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By 7:00 pm today, September 28, 2022,
Defendants shall file a response to Plaintiffs'
letter-motion at ECF No. 475.

SO ORDERED 9/28/2022


SARAH L. CAVE
United States Magistrate Judge

DIRECT DIAL 212.763.0886

DIRECT EMAIL jquinn@kaplanhecker.com

September 28, 2022

VIA EMAIL

The Honorable Sarah L. Cave
United States District Court for the Southern District of New York
500 Pearl St.
New York, NY 10007

Re: *McKoy, et al. v. The Trump Corporation, et al.*, 18-cv-9936 (LGS)

Dear Judge Cave:

We write pursuant to Rule I.C. of your Honor's Individual Rules on behalf of Plaintiffs in connection with a time-sensitive change to our travel and deposition plans due to the developing situation around Hurricane Ian's landfall in Florida. In short, we are currently scheduled to travel to Florida early tomorrow morning to take the deposition of Defendant Donald J. Trump at Mar-a-Lago this Friday. We do not believe that is prudent or safe, and we have been unable to obtain Defendants' agreement to reschedule (or relocate) the deposition. Among other things, and as more fully set forth below, the Governor has declared a state of emergency and warned of power outages statewide, the county of Palm Beach has issued a tornado warning and closed schools tomorrow, the local federal court in Palm Beach has similarly closed both tomorrow and Friday, the Sheriff in Palm Beach has asked the public to stay off the roads, our airline and travel agents indicated that we should expect flight cancellations and heavy delays, and our court reporting service has informed us that they cannot guarantee attendance and would prefer to reschedule. Accordingly, we write to respectfully request an order directing Defendants to reschedule the deposition.

As the Court knows, already the parties have agreed—and the Court has permitted the parties—to take two depositions beyond the close of fact discovery this Friday, September 30. *See* ECF 469. Should we be granted similar allowance with respect to Mr. Trump's deposition, we will make every effort to accommodate Mr. Trump's schedule and to proceed on a date and at a location of his choosing.¹

¹ For the avoidance of any doubt, we are fully prepared to proceed with the deposition and have participated in the appropriate security clearance process with the U.S. Secret Service. This request is based solely on the undue risks presented by travel to Florida in the midst of Hurricane Ian.